

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	8:15CR343
)	
)	ORDER
DIONTE DORTCH,)	
JERELL HAYNIE,)	
GREGORY BAHATI,)	
BRANDON HEARD, and)	
JULIO ARIAS,)	
)	
Defendants.)	

This matter is before the court on the Motions for a Rule 104 Hearing Regarding Statements of Alleged Co-Conspirators filed by Defendants Gregory Bahati ([Filing No. 214](#)), Brandon Heard ([Filing No. 221](#)), Julio Arias ([Filing No. 236](#)), and Jerell Haynie ([Filing No. 243](#)). The motions request that the court hold a *James* evidentiary hearing in advance of trial regarding the admissibility of statements made by the alleged co-conspirators under Federal Rule of Evidence 801(d)(2)(E). The motions in this case are based upon the same arguments made to Senior Judge Bataillon by Defendant Kendell Tealer in a separate, but related case, *United States v. Tealer*, 8:14-CR-185. For the same reasons identified by Judge Bataillon, the court will deny the motions for a *James* hearing without prejudice after additional Jencks Act materials are disclosed. Accordingly,

IT IS ORDERED: The Motions for a Rule 104 Hearing Regarding Statements of Alleged Co-Conspirators ([Filing No. 214](#); [Filing No. 221](#); [Filing No. 236](#); and [Filing No. 243](#)) are denied without prejudice.

DATED: January 4, 2017

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge

NOTICE

A party may object to a magistrate judge's order by filing a "Statement of Objections to Magistrate Judge's Order" within 14 days after being served with the order in accordance with NECrimR 59.2.